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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE: FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LITIGATION

MDL No. 2843
Case No. 18-md-02843-VC-JSC

This document relates to:

ALL ACTIONS

**DECLARATION OF LESLEY E. WEAVER
IN SUPPORT OF PLAINTIFFS'
ADMINISTRATIVE MOTION FOR
LEAVE TO FILE MOTION TO STRIKE
DEFENDANT FACEBOOK, INC.'S
NOTICES OF APPEAL (Dkt. Nos. 778, 780,
782)**

Judge: Hon. Vince Chhabria and
Hon. Jacqueline Scott Corley
Courtroom: 4, 17th Floor

DECLARATION OF LESLEY E. WEAVER

I, Lesley E. Weaver, hereby declare under the penalty of perjury:

1. I am Partner-in-Charge of the California office of Bleichmar Fonti & Auld LLP, head of its consumer and antitrust practice, and Co-Lead counsel to plaintiffs in *In re: Facebook, Inc. Consumer Privacy User Profile Litigation*, No. 18-md-02843-VC-JSC (N.D. Cal.). I am a member in good standing of the bar of the State of California and of the United States District Court for the Northern District of California.

2. This declaration is made upon personal knowledge in support of Plaintiffs' Administrative Motion for Leave to File Motion to Strike Defendant Facebook, Inc.'s Notices of Appeal (Dkt. Nos. 778, 780, 782).

3. On December 16, 2021, Facebook's counsel proposed a "détente" time over the holidays in order that the parties might have a period of abatement. Through the mediator Judge Andler, the parties agreed that from the time period December 23 through January 2, 2022, the parties would forebear from communicating.

4. Late on the evening of December 23, 2021, Facebook filed three Notices of Appeal to rulings by Special Master Garrie. Dkt. Nos. 778, 780, 782. These Notices each violate the express limitations of the appellate procedure set forth in Judge Chhabria's Special Master Order (Dkt. No. 709).

5. In the spirit of the détente agreement, had Facebook sought an extension of the timeline to file such notices, Plaintiffs would have agreed. Facebook did not do so.

6. Because there is no procedural mechanism by which to respond to defective notices, Plaintiffs determined that the best approach was to seek to strike the Notices if Facebook would not agree to amend them to conform with the Special Master's Order. Further, given the delays in implementing discovery rulings that have already accrued, the regular 35 day briefing schedule on Plaintiffs' Motion to Strike could compound impeding the progress of discovery. Plaintiffs elected to bring a motion to shorten time pursuant to Civil Local Rule 7-11 on the motion to strike, if the parties could not agree.

